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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**FARMER BROTHERS  
COMPANY,**

**Plaintiff,**

**v.**

**RICKY ALBRECHT,**

**Defendant.**

**Case No. 2:11-CV-1371-PMP-(CWH)**

**DEFENDANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO RESPOND TO THE COMPLAINT AND FOR STATUS CONFERENCE**

**(Third Request)**

Pursuant to Federal Rule of Civil Procedure 6(b)(1), Ricky Albrecht, by and through undersigned counsel, respectfully requests that the Court grant him an extension of time to respond to Farmer Brother's Company's ("FBC") Complaint to and until November 30, 2011. Presently, Defendant's response is due on October 28, 2011. This is Defendant's third request for an extension of time for the purpose set forth in this motion. Earlier today, undersigned counsel discussed this request with FBC's counsel, Jeffrey D. Winchester, Esq., who indicated that Plaintiff has no opposition to this request. In support of this motion, Defendant relies upon the memorandum of

points and authorities set forth below.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

The Court issued a written ruling granting Plaintiff's request for a preliminary injunction on October 6, 2011 (after previously denying Plaintiff's application for temporary restraining order). Following the October 6, 2011 ruling, respective counsel discussed various aspects of the Court's order, including implementing a method for compliance. To that end, Plaintiff's counsel indicated that FBC would be forwarding written information for undersigned counsel's consideration. Undersigned counsel was under the impression that the written information would potentially obviate the need for further litigation. To date, undersigned counsel has not received any information or proposal from FBC. Accordingly, concerned about the upcoming deadline to file a response to the Complaint, undersigned counsel contacted FBC's counsel, Mr. Winchester, to inquire about Plaintiff's intentions. Specifically, undersigned counsel expressed concern that Mr. Albrecht (an entrepreneur and self-employed small business owner) would be required to incur legal expenses in filing a response while FBC (a large publicly traded company with both inside and outside counsel) continues to assess whether it wishes to proceed forward in this matter. Plaintiff's counsel stated that FBC has not yet resolved the issue. From Defendant's perspective, responding to the Complaint will be financially costly and potentially pointless if in fact FBC chooses to no longer pursue this litigation. In light of the foregoing, the parties agreed that Mr. Albrecht's time for responding to the Complaint should be extended while FBC continues to contemplate whether it will proceed forward in this matter.

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**CONCLUSION**

In light of the foregoing, Defendant, by and through undersigned counsel, respectfully requests that the Court permit Defendant an extension of time, to and until November 30, 2011, to respond to the Complaint. In the meantime, Defendant also requests that the Court schedule a status conference for no later than November 17, 2011 at which time the Court may inquire from the parties whether this case will proceed forward.

Respectfully submitted,

*/s/ Paul S. Padda*

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Dated: October 25, 2011

**IT IS SO ORDERED:**

**Defendant's motion for extension of time to respond to the Complaint is hereby granted. Defendant shall file a response to the Complaint on or before November 30, 2011. By separate order, the Court will schedule a status conference for the purpose of inquiring how (and if) the parties wish to proceed in this matter.**

  

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UNITED STATES MAGISTRATE JUDGE

Dated: October 28, 2011